1949

File No. O N C C /

Legal Department

A BRANCH

Subject:— Opinions under the

National Cadet Corps

Act 1948

R.S/C

345-A

File No. O. N. C. C. /49

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XVI. 6,
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Office of the R.L.A.

The power to appoint a Central Advisory Committee vests in the Central Government under section 12(1) of the National Cadet Corps Act, 1948. Consequently the view at A on page 15 ante is correct.

The National Cadet Corps Act, 1948 does not provide for the constitution of any Senior Division Advisory Committee. In view of the fact that provision is expressly made for the other Committees in section 12 and section 13(b) of the Act, rule 42(3) of the National Cadet Corps Rules, 1948 which prescribes the constitution of the Senior Division Advisory Committee would not be intra vires even with reference to the general rule making power given by sub-section (1) of section 8/3

Sd/- XXX. P. M. LAD,

Remembrancer of Legal Affairs.

U. R. to E. & I. D., No. 2939, dated the 14th March 1949.

Submitted for signature.

Id/- 14.3.

A.A.S. Id/- 14.3.

A.L.I. R.K.
14.3.

EVY. 6/6.

Office of the R.L.A.

National Cadet Corps Act and Rules.

Trial of a civilian ministerial servant engaged in N.C.C. work.

The question raised for the R.L.A.'s opinion is whether the National Cadet Corps Act, and the National Cadet Corps Rules govern the trial of the offence which Laskar Ramchandra Chavan is alleged to have committed. This Laskar was a civilian ministerial servant engaged for N.C.C. work. There is no provision in the National Cadet Corps Act, or in the National Cadet Corps Rules for the trial of such employees. The Act makes provision for punishment of "any person enrolled under this Act". (Vide Sec. 11) Likewise the Rules make provision for trial of offences committed by "any officer, cadet posted or appointed to a unit or part thereof. . or an applicant for appointment as an officer etc. etc.".

Sd/- P. M. LAD,
Remembrancer of Legal Affairs.

U. R. to E. & I.D., No. 3118, dated the 22nd March 1949.

Submitted for signature.

S.B.
19/3

A.A.S. Id/-
19/3.

EVY. 6/6.

Office of the R.L.A.

Discharge on account of subsequent membership of communal political etc. organization.

National Cadet Corps Rules, 1948. Rules 5(g), 6(f) 16(g) and 28.

The ineligibility or disqualification prescribed by rules 5(g), 6(f) and 16(g) of the National Cadet Corps Rules is not one of the grounds for discharge under rule 28. Consequently such disability incurred subsequent to enrolment would not automatically involve any discharge. Rule 28 requires to be amended for the purpose.

Sd/- P.M. LAD,

Remembrancer of Legal Affairs.

R. to E. & I.D., No. 3864, dated the 9th April 1949.

Submitted for signature.

A.A. has been added which is for approval.

A.L.R. R.K. 8/4.

EVI. 8/4.

Office of the E.L.A.

If an officer or cadet is to be discharged under rule 28(2)(c) of the National Cadet Corps Rules, 1948 merely on the ground that his services are no longer required without mentioning his disqualification under rules 5(g), 6(f) and 16(g), there would be no legal objection to such discharge.

Sd/- P.M. LAD,

Remembrancer of Legal Affairs.

U. R. to E. & I. D., No. 6397, dated the 8th June 1949.

submitted for signature.

P.S.T
8/6.

A.L.R. R.
8/6.

Issued

S.S.F.
8/6.

EVY. 6/6.